United Nations CEDAW/C/LKA/3-4

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
18 October 1999

Original: English

Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Third and fourth reports of States parties

Sri Lanka*

* For the initial report submitted by the Government of Sri Lanka, see CEDAW/C/5/Add.29, considered by the Committee at its sixth session. For the second periodic report submitted by the Government of Sri Lanka, see CEDAW/C/13/Add.18, considered by the Committee at its eleventh session.

00-21818 (E) 140300

Introduction

1. Sri Lanka has great pleasure in presenting its 3rd and 4th Reports under Article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It will be recalled that its initial and second Reports were considered by the Committee on the Elimination of Discrimination Against Women at its sixth session held in Vienna from March 27 to April 10, 1987 and at its eleventh session held in New York from January 20 to 31, 1992.

GENERAL SOCIO ECONOMIC FACTORS[1]

2. Sri Lanka's Report may be considered in the perspective of its general socio-economic factors. There has been a general deceleration of population growth in the country since the 1970's following the launching of the family planning programmes in the late 1960's. This has resulted in an increase in the population above 25 years and a decrease in the population below 14 years[2].

3. The mid year population, the population growth and the population density (i.e. the number of persons per sq. km of land) in respect of each of the years 1993 - 1998 were as follows -

Year	Mid yr. Population	Population growth	Population density
1993	17.6 Million	1.2%	283
1994	17.9 Million	1.4%	287
1995	18.1 Million	1.4%	289
1996	18.3 Million	1.1%	292
1997	18.6 Million	1.2%	296
1998	18.8 Million	1.2%	299

4. Although the population growth has declined, the addition to the population each year has become a burden on limited resources and creates new problems such as high cost of social welfare (education, health, housing), high unemployment, high population density, and land fragmentation. The ageing of the population, a rising dependency ratio and a possible tightening of the labour market in the first decade of the next century are features that are expected to emerge over the next few decades.

5. The female population increased from 48% in 1953 to 52% in 1996/97. As at 1996/97 the median age of marriage of females remains at 21.3 years. The literacy rate as at 1996/97 was 92% and with improvement of literacy among females, the male – female gap in literacy has narrowed. The formal education network has been continuously

[1] Source – *Report on Consumer Finances and Socio Economic Survey, 1996/97 – Central Bank of Sri Lanka.*

[2] Population below 14 years reduced from 41% in 1963 to 25 % in 1996/97. Population above 25 years increased from 37% in 1963 to 52% in 1996/97.

expanded resulting in the achievement of higher levels of education and a decline in incidence of school avoidance. The women have shown a remarkable improvement in educational attainments over the past years. The labour force participation rate in 1998 was 51.5% and in the first quarter of 1999 it increased to 52.3%. Between 1973 and 1998 the male participation rate increased from 48% to 67.4% and the female participation rate from 20% to 36%. There has been a steady decline in the unemployment rate in recent years (15.9% in 1990 to 8.8% by the end of 1998). Unemployment is concentrated in the younger age groups and among the educated persons. Although male and female unemployment rates declined over the years, the female unemployment rate has always been much higher than that of the males, recording a difference of approximately 10 percentage points in the distribution of unemployed population.[3]

GENERAL POLITICAL & SOCIAL ENVIRONMENT

6. The period under review is one, which has seen dramatic changes in the political life of our country, all of which have had a decided impact and influence on the lives of women. The political scene has ranged from one in which a democratically elected government was called upon to quell an insurgent uprising of militant youth from the South, through periods of terror and in subsequent years thereafter, reduced levels of violence culminating in the holding of democratic elections in 1994. At the same time, the Government has had to deal with the serious issue of the country's 'ethnic conflict' with all its resulting repercussions on the lives and liberty of our citizens. These issues were required to be dealt with by the Government while continuing its efforts to maintain an enabling environment for economic development. These were times when the potential of affected women was tested in the most challenging manner. It is the women who suffered most, for it is they who grieved for husbands, sons and brothers who disappeared without a trace or were killed; it is they who without fear for their own lives spent days, months and sometimes years trying to track down their kith and kin; it is they who then assumed the status of head of household with all its attendant responsibilities to be shouldered single handedly, a status resulting from personal tragedy rather than by choice or merit. These were unprecedented challenges thrown at women who had hitherto assumed for themselves a more complacent role in life. The country, while seeking to find a solution to the ongoing armed conflict in the North and the East, has had to deal on a priority basis with consequential issues such as settlement of refugees and internally displaced persons. Many persons so affected are, unfortunately, women and children. In dealing with these issues the focus has been on family re-unification.

7. Despite that very significant advancements have been made by women and for women, it is also patent that there are cultural, religious, attitudinal, political and economic constraints to women achieving their full potential. Despite the expansion of the economy, income distribution reveals widening disparities. An increasing number of 'women - headed ' households (21% of households, as at 1993 of which 82% are widowed; 20% of households as at 1994 of which 56% were widowed)[4] are faced with dire problems of income generation and household management. The situation is further

[3] "*Bulletin of Labour Force Statistics*" (Issue No. 10) - Department of Census and Statistics.
[4] *National Household Survey*, 1993 (page 3) & *Changing Role of Women in Sri Lanka* (page 143) – Department of Census & Statistics.

aggravated because of the lower level of education of the female heads with 1/5th reported to have never attended school and one in every four found to be illiterate.[5] Fifty percent of female-headed households are elderly women aged 60 years and over. As at 1993, the major means of livelihood of these women was known to be 'children's employment' (54%) while a smaller number (25%) depend on their own employment[6]. The concerns of unpaid family workers[7], self employed women, employed women (including those in the plantation sector, migrant workers, workers in the Free Trade Zone areas in the Country and those in the informal sector), and the increasing incidents of violence against women are crucial issues to be reckoned with. Of serious concern also is the plight of women who are affected by the conflict in the North and the East of the country. Governmental programmes have been 'family' based and have thus far not seen gender based intervention strategies.

8. There has been, during this period, a visible furthering of the commitment of the Government of Sri Lanka towards improving the status of women and increasing awareness of women's issues and needs. Deeply committed members of non-governmental organisations and the media have played an important role in highlighting women's concerns and have worked in close co-operation with the Government to identify issues and to work towards common goals. It is with a sense of appreciation that their supportive role is acknowledged.

9. The efforts of the Government of Sri Lanka to deal with women's issues have been undertaken in a spirit, which accepts very clearly the principle of equality. It is acknowledged that the challenges to uplift the status of women continue to be real.

PART 1

Articles 2 and 3

CONSTITUTIONAL & OTHER GUARANTEES AND ENFORCEMENT MECHANISMS

(a) Constitution of Sri Lanka

10. The constitutional provisions relating to women's rights and safeguards remain unchanged. The jurisdiction of the Supreme Court to give relief for infringement of fundamental rights has been a powerful instrument for enforcing fundamental rights guaranteed by the Constitution. Women litigants have obtained relief though not for acts of discrimination based on gender, other than in one case involving the issue of a resident

[5] *Changing role of women in Sri Lanka* (supra).
[6] *National Household Survey, 1993* (supra).
[7] A high concentration of economically active Women fall into the category of unpaid family workers indicating that women's contribution to the economy is still under valued to a great extent. See under "Employment of Women" under Article 11, paragraph 1(a).

visa[8]. Government is in general an equal opportunities employer and there are schemes of recruitment, which are subject to scrutiny of the Courts.

11. However, the constitutional guarantees are, in terms of the Constitution itself, justiciable in the Supreme Court only in respect of *administrative and executive action* and do not cover infringement by non-state actors. This is a limitation on safeguarding the fundamental rights of women since many infringements of basic rights particularly in the areas of employment occur in the private sector.

12. A visible trend in recent judicial decisions is the recognition of liability for state inaction. It is hoped that these developments may be used to further recognise women's rights in the private sector. The Supreme Court has also recognised that state violence against women while in police custody is an infringement of the right to protection against torture and inhuman and degrading treatment. This does leave room to argue that acts of violence against women (rape, sexual harassment, etc.) amount to an infringement of a right when perpetrated by a state official or the state by its inaction permits private actors to engage in acts that violate constitutional guarantees. Further, there is also room for argument that, although non-state action does not fall within the jurisdiction of the Supreme Court, there is no bar to other remedies being sought in lower courts against non-state actors.

13. The right to seek redress via the Supreme Court for fundamental rights violations is limited to aggrieved persons. The locus standii principle is strictly applied and public interest litigation is not possible. The Supreme Court has however, adopted procedural devices to overcome the strict rule of standing in order that deserving persons are not denied access to relief.

14. It is also possible to seek remedies via the issue of prerogative writs through the appropriate court, although not for enforcing fundamental rights enshrined in the Constitution. The principle of standing (locus standii) is not strict in the case of writ remedies.

Proposed Constitutional reforms

15. Government has also proposed several constitutional reforms, which are presently under discussion by a Select Committee of Parliament. Provisions incorporated therein relating to women and children include provision which seeks to ensure non-discrimination on the grounds of "gender, marital status, maternity and parental status"[9], in addition to the present grounds of, inter-alia, "sex". Provision has also been proposed to recognise special rights of children[10].

16. The proposals incorporate provision[11] to recognise that all existing written and unwritten law shall be valid and operative notwithstanding any inconsistency with the provisions in the constitution recognising Fundamental Rights and Freedoms. This

[8] This case is discussed under Art. 9 of this Report.
[9] Clause 11(2) of the Government's proposals for Constitutional Reform, October, 1997.
[10] Clause 22 (supra).
[11] Clause 28(1) (supra).

provision gives the identical immunity from challenge to existing legislation as is presently found in the Constitution. Any enactments containing provisions that are discriminatory of any of the rights recognised in the Chapter on Fundamental Rights, therefore, cannot be challenged and this is a constraint to testing discriminatory laws against the constitution. However, the Government proposals for constitutional reform suggest the inclusion of a new provision[12] to establish a Commission (consisting of persons appointed by the President) to examine all existing written or unwritten law and to report to the President as to whether any such Law is inconsistent with the provisions of the constitutional provisions recognising fundamental rights and freedoms. This suggestion is seen as an improvement from the present position of according complete recognition to laws which contain discriminatory provisions.

(b) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act. No. 22 of 1994.

17. Apart from the constitutional guarantee in Article 11, Sri Lanka has also enacted the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994 which came into operation in December, 1994. This Act seeks to give effect to the UN Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, to which Sri Lanka acceded on 3rd January 1994.

(c) Human Rights Commission of Sri Lanka.

18. In 1995, legislation was enacted for the establishment of a national Human Rights Commission (HRC) by the Human Rights Commission Act, No. 21 of 1996. The Commission was established in 1997 and is vested with powers relating to the resolution of complaints of infringement of rights recognised by the Constitution, using conciliation and mediation. The HRC also performs an advisory and recommendatory role, being vested with powers to advise the Government in formulating legislation, administrative directives and procedures in furtherance of the promotion and protection of fundamental rights as well as making recommendations to Government regarding measures which should be taken to ensure that national laws and administrative practices are in accordance with international human rights norms and standards. A further function of the HRC is to promote awareness of and provide education in relation to human rights. This institution provides a more informal and easily accessible forum before which, inter-alia, gender issues could be addressed. It is also important that persons can petition the HRC on behalf of aggrieved persons and the HRC itself is empowered to initiate its own investigations into violations.

19. The HRC has handled 9,132 matters during the period July 1997 to December 1998 but has not received any gender based complaints[13].

20. Consequent to the establishment of the HRC, the Commission for the Elimination of Discrimination and Monitoring of Fundamental Rights, which was established by subsidiary legislation, was wound up.

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[12] Clause 28(2) (supra).

[13] Source - Human Rights Commission of Sri Lanka.

(d) Discriminatory personal laws

21. There has been no change in the statutory provisions governing aspects of personal law which have been identified as being discriminatory. The discriminatory features are mainly those which are deeply rooted in cultural and religious beliefs. In an environment which calls for sensitivity to pluralistic religious and ethnic beliefs, it has not been possible to address these issues. A call for change from within the affected communities would certainly facilitate reform.

(e) Discriminatory penal laws

22. There are no discriminatory penal laws.

PRACTICAL REALISATION OF EQUALITY

(a) National Government Machinery on Gender Management

23. In recognition of the fact that the observance and implementation of the right to equality and its true achievement needs supervision and careful monitoring, the national government machinery has been strengthened.

Ministry responsible for Women's Affairs

24. As at the date of last reporting, at the apex of the national machinery was the Ministry of Health & Women's Affairs (MH&WA) with a State Ministry of Women's Affairs immediately below it, to which State Ministry was entrusted the subject and function of implementing decided policy relating to women's affairs. This structure remained until August 1994 when, after the General Elections and the assumption of office by the present Government the subject of Women's Affairs was once again accorded Cabinet status under a woman Minister responsible for Transport, Environment and Women's Affairs. In mid 1997, a separate Ministry responsible solely for Women's Affairs was established for the very first time. A Deputy Minister assists the Minister for Women's Affairs. Both of these office holders are women.

25. The Ministry of Women's Affairs has established a networking group of key public officers selected from each ministry to oversee and ensure the implementation of its programme of work. These officers, called "focal points" are vested with the responsibility of familiarising themselves with women's issues, sensitizing officers in the ministries and departments under them and identifying issues which need to be addressed, in addition to being responsible for gender main streaming and ensuring compliance with decided policy.

The Women's Bureau

26. The Women's Bureau (WB) that was first established in 1978 continues to function to date and has retained the responsibilities originally assigned to it. The activities of the WB include the following -

- Capacity building of women through social mobilisation and community leadership

programmes;
- Poverty alleviation through economic empowerment programmes;
- Combating violence against women through sensitisation, training and advocacy.

27. The work of the WB in rural areas is detailed under Article 14.

The Women's Charter

28. In March 1993, the Government of Sri Lanka adopted the Women's Charter, a declaratory document which contained the policy aimed at the realisation of gender equality in all areas of life in conformity with the constitutional provisions and international norms and obligations which Sri Lanka has accepted. The Charter was the outcome of wide consultations had with several governmental agencies and non-governmental organisations and women's groups committed to the cause of women. Accordingly, it incorporates provisions which reflect the influence of the UN Convention on the Elimination of All forms of Discrimination Against Women and attempts to internalise these standards in the context of issues of concern to Sri Lankan women who live in a multi ethnic, multi religious society. Women of all communities were involved in the drafting of the Charter, which was drafted as a consensus document recognising the need to work towards a common agenda for women.

29. Part 1 of the Charter vests specific obligations on the State vis-à-vis obligations undertaken upon the ratification of the CEDAW Convention which obligations relate to the following broad areas which impact on all women's right -

Political and civil rights
Rights within the family
Right to education and training
Right to economic activity and benefits
Right to health care and nutrition
Right to protection from social discrimination
Right to protection from gender based violence.

30. Part 11 of the Charter provides for the establishment of a National Committee on Women for the purpose of examining progress made in respect of the obligations undertaken in terms of the Charter and for monitoring the achievement of its objectives. [A copy of the Charter is annexed hereto]

National Committee on Women

31. As referred to above, Part 11 of the Charter provides for the establishment of the National Committee on Women (NCW) and incorporates therein provision, which sets out the mandate in respect of its composition and functions.

32. In order to give full realisation to the establishment of the NCW, legislation is currently being prepared to give statutory recognition to the NCW. The legislation when passed by Parliament will give legal sanction to its establishment, composition, powers and functions of the NCW. This will undoubtedly strengthen the position of the NCW

which when thus accorded statutory recognition, will have the same status as do other national institutions such as the Human Rights Commission, the Parliamentary Commissioner for Administration and the Commission for the Elimination of Bribery or Corruption.

33. The NCW was first established by the appointment of members thereto for a four year term, in August 1993. The members so appointed functioned until August 1997 after which a new Committee has been appointed with effect from November 20, 1997.

34. The NCW is required to perform a consultative function with regard to determining policy issues relating to women, including the examination of legislation affecting women. Regular meetings and discussions on relevant issues have been had with the Minister in charge of the subject of Women's Affairs. The NCW has also played a key role in conducting sensitization programmes island wide to create awareness regarding the Women's Charter. The NCW has also established a Gender Complaints Centre which commenced functioning in May, 1999. The Center receives and considers complaints regarding gender based discrimination and violence. Action is taken to redress grievances via administrative and legal means.

National Plan of Action for Women in Sri Lanka

35. In 1996, the Ministry of Women's Affairs in collaboration with the National Committee on Women formulated the "National Plan of Action for Women in Sri Lanka" which Plan identifies the vital issues that need to be worked upon for the purpose of countering existing constraints obstructing the advancement of women. The Plan was formulated consequent to considering the discussions and outcome of the Beijing Conference and in the context of The Platform for Action formulated thereat. The Sri Lankan delegation to the Beijing Conference constituted representation from Government, Non-Governmental Organizations and academics, all of whom worked on formulating the National Plan of Action which was also the result of wide consultations with other state sector persons as well as the private sector and non-governmental persons. The Plan identified specific issues of concern and the action required to be taken. The remedial action has been identified as short term, medium term and long term action. Consequent to receiving governmental approval therefor, the authority responsible for taking the identified action has been notified. The focal points in each Ministry have been detailed on their responsibilities with regard to implementation of the Action Plan. The Plan of Action is currently being updated to incorporate new issues, which need a fresh focus.

(b) Violence against Women

36. Sri Lanka accepts that gender based violence is a form of discrimination which seriously inhibits a woman's ability to enjoy rights and freedoms on a basis of equality with women.

37. During the period under review, Sri Lanka has introduced several far reaching legislative reforms intended to provide more effective remedies to deal with persistent

issues relating to gender based violence. Statistics indicate that there is a greater willingness to report such cases to law enforcement authorities. The number of women victims of grave crime offences in 1992 was reported to be 3,608. In 1982 the number was 2,688[14]. It is widely believed that the number has since increased. This cannot be attributed totally to an increase in crime against women and may also be a result of increased reporting to the Police. According to Police department authorities there is also an increase in crime in general but not necessarily a percentage increase in crimes against women.

38. The following statistics of the Police department reveal the situation with regard to reported cases of violence during the period 1992 – 1998.

Table 1.
Grave crime statistics 1992- 1998

Grave crime offence		1992	1993	1994	1995	1996	1997	1998
Murder	No.	317	166	247	90	156	120	112
	%	22%	12%	18%	5%	8%	7%	18.7%
Attempted Murder	No.	43	54	73	11	03	26	08
	%	13%	14%	16%	2%	0.5%	6%	1.3%
Grievous hurt	No	438	284	300	495	301	260	262
	%	30%	18%	12.2%	33.3%	17.8%	17.4%	14.7%
Abduction	No.	356	381	412	488	649	532	146
	%	98.3%	62.5%	50%	69.2%	49.3%	32.2%	20.2%
Rape		354	371	513	542	610	878	1066
Incest					2	05	13	03
Other sexual offences- Unnatural Offences Acts of gross indecency Carnel Intercourse Etc.		15	18	14	41	68	57	74
		3.8%	4.6%	4.2%	3.2%	2.1%	7.5%	9.4%
Grave sexual abuse *							39	31
Sexual harassment*							268	236
Kidnapping	No.				39	29	19	56
	%							

* These new offences were recognised only in 1995.
% denotes the percentage of offences committed against women, of the total number of offences in each category.
source : Police department

[14] *Women and Men in Sri Lanka (1995)* – Department of Census and Statistics.

39. Major legislative changes were passed by Parliament in 1995[15] and further enhanced in 1998. Apart from issues relating to marital rape, increase in the age of marriage and termination of pregnancy, the amendments were passed without any opposition from within or outside of Parliament. The contentious issues with regard to these areas are discussed in the course of this Report. The legislative process was speedy. The reforms introduced were with regard to the following matters

[A] Amendments to the Offence of Rape

a) The introduction of the concept of marital rape in respect of judicially separated spouses

40. The legislative provision which defined the offence of rape, specifically provided that " sexual intercourse by a man with his own wife not being under the age of twelve years of age, is not rape." The principle so engrained in this provision was amended by the deletion of the aforementioned exception and by providing that the offence of rape would be constituted where there is absence of consent of the woman even though the woman was the wife of the man 'if the parties are judicially separated'. The original proposal recognising the offence of marital rape did not propose to confine the offence to one committed on a judicially separated wife. However, concerns on the grounds of religious sensitivities sought to effect a compromise by limiting the provision to judicially separated parties.

b) Consent obtained in certain circumstances

41. The earlier statutory provision provided that consent of the woman would be vitiated where such consent was obtained by putting the woman in fear of death or of hurt. This provision has been amended by its expansion to include more situations in which consent would be vitiated. These are – where consent is obtained while in lawful or unlawful detention, or by use of force or threat or intimidation; or consent obtained at a time when the woman was of unsound mind or was in a state of intoxication induced by alcohol or drugs administered to her by a person other than herself.

c) Increase in the age of statutory Rape

42. Earlier statutory provision identified 12 years as the age below which sexual intercourse would amount to rape irrespective of the consent of the girl. This age was increased by the amending legislation to 16 years.

43. This amendment also prompted a revision of the Marriage laws in order to increase the age of marriage to 18 years. The amendments to the relevant legislation dealing with non-Muslim marriages were passed simultaneously. However, no change was made to the age of marriage under Muslim law. The Muslim law is based on religious beliefs that the

[15] Penal Code (Amendment) Act. Nos. 22 of 1995 and 29 of 1998; Code of Criminal Procedure (Amendment) Act. No. 28 of 1998; Judicature (Amendment) Act. No. 27 of 1998; Evidence (Special Provisions) Act of 1999.

State has a duty to protect and uphold and it is argued that there is no concept of minimum age of marriage. A pluralism in legal ideas, not quite in conformity with the Women's Charter, has therefore emerged. The Government has found it difficult to address this issue in an environment of political sensitivity to plural religious and ethnic identities.

d) Deletion of the requirement that the act should be 'against her will'

44. In terms of the earlier statutory provision, the offence of rape was said to be committed where a man has sexual intercourse under the five circumstances specified in the relevant section. One of these circumstances was that the act should have been 'against her will' and another circumstance was that the act should have been 'without her consent'. By the amending Act, the requirement that the act was committed 'against her will' was deleted with the intention that such a deletion would have the result of preventing the Courts requiring proof of actual physical resistance as evidence that the act was against the woman's will or without her consent. The amendment was a response to judicial decisions that absence of evidence of physical injury negatived the position that the act was committed against the will of the woman.

e) Custodial rape and gang rape

45. One of the most significant and salutary features of the amending legislation is the inclusion of provision to recognise the phenomena of custodial rape and gang rape as acts constituting even graver crimes, attracting very severe punishment. These are not distinct offences but rather is the offence of rape committed in aggravated circumstances which thereby attract enhanced punishment. The amending Act defines custodial rape as rape committed in the following situations 'taking advantage of the official position' –

Act committed by	Act committed against
i) a public officer or person in a position of authority	woman in his official custody or wrongfully restrained;
ii) a person on the management or staff of a remand home or other place of custody established by law, or a women's or children's Institution	woman inmate of such place;
iii) a person on the management or staff of a hospital	woman in the hospital

An explanation to the new section deals with gang rape by providing that *where the offence of rape is committed by one or more persons in a group of persons, each person in such group committing or abetting the commission of such offence is deemed to have committed gang rape.*

[B] Introduction of new offences

46. Several new offences which recognise the criminality of acts of violence against women and children have been introduced. These are –

a) Sexual Harassment ;
b) Grave Sexual Abuse (acts which fall short of the technical definition of rape but which are equally serious). The offence of grave sexual abuse (which is not a gender based offence) also recognises that consent is a factor which negatives culpability. The law reflects the same conceptual thinking as in the case of rape, by providing that consent obtained in the circumstances which negatives consent in the case of rape, and consent given by a person below the age of 16 years, is not a defence.
c) Statutory Grave Sexual Abuse (i.e. GSA committed on a person under 16 years of age. As in statutory Rape, consent is considered irrelevant);
d) Incest;
e) Obscene publications;
f) Sexual exploitation of children;
g) Trafficking;
h) Causing or procuring children to beg;
i) Hiring or employing children to act as procurers for sexual intercourse;
j) Hiring or employing children to traffick in restricted articles;
k) Non-reporting by developers of photographs/films, of obscene or indecent photographs/films of children, given for developing. (The statutory provision imposes an obligation to report; non-reporting is a punishable offence);
l) Prohibition of publications regarding certain sexual offences (to give anonymity to the victim of violence).

[C] Amendments have also been introduced in respect of the following offences affecting women

a) Procuration;
b) Grievous hurt.

[D] Punishments

47. Another notable feature of the new amendments is the introduction of provision to enhance punishment in respect of certain offences. The new punishments which are considered extremely sever, are as follows -

Offence	Imprisonment		
	Prior to amending Law (Years)	In terms of the amended Law	
		Minimum (Years)	Maximum (Years)
1.Sexual Harassment *	-	-	5
2. Procuration*	Min. - 0 Max. - 2	2	10
3. Sexual Exploitation of children *	-	5	20
4. Trafficking in persons *	-	2	20
5. Trafficking in children*	-	5	20
6. Incest	-	7	20
7. Rape **	Min. - 0 Max. - 20	7	20
8. Rape (Aggravated)** i.e. Gang rape, Custodial rape, Rape of a minor (i.e. a person below 18 years), Rape of a pregnant woman, Rape of a woman mentally or physically disabled.	-do-	10	20
9. Statutory rape **		15	20
(a)Statutory Rape which is also Incest :	-do-		
(b) Statutory Rape where the accused is under 18 years and the victim has consented to the act +	-	Court is vested with discretion to impose a lesser term of imprisonment.	

10. Grave sexual abuse **	-	7	20
(a) Where the victim is over 18 years;			
(b)Where the victim is under 18 years.	-	10	20
11. Publication of matter relating to sexual offence*	-	-	2
12.Failure of developer of film/photo to inform re. Indecent or obscene photo/film of children*	-		2

* In addition to the sentence of imprisonment, the Court may impose a fine at its discretion, in respect of these offences.

** In addition to the sentence of imprisonment, the Court is required to impose a fine mandatorily, in respect of these offences.
In addition, in the case of the offences of rape and grave sexual abuse, Court is also required to mandatorily make an order requiring the accused to pay compensation to the victim for injuries caused ; and in the case of sexual harassment, sexual exploitation of children and trafficking in persons and children, Court may at its discretion, order the accused to pay compensation to the victim for injuries caused.

+ Since statutory rape (i.e. of a girl under 16 years) is an offence irrespective of the fact that the girl consented, a discretion is vested in the Court to give a lesser sentence where the accused is a boy under 18 years and the girl has consented to the act. However, a similar leniency is not shown in the case of grave sexual abuse where the girl is under 16 years and the accused is under 18 years and the act is shown to have been committed with the consent of the victim.

48. The earlier law permitted the imposition of suspended sentences even in respect of a grave offence such as rape, in the absence of a minimum sentence. Cases monitored, showed how this sentencing policy trivialised grave acts of violence against women and children. The new legislation introduced provision that prohibited this and made it mandatory to impose minimum terms of punishments in respect of all grave offences.

49. It may be observed that the sentences provided for sexual offences are certainly extremely severe. No other offence attracts punishments that provide for imprisonment and mandatory fine as well as mandatory award of compensation to the victim.

50. Further law reform relating to evidentiary issues is noted to be necessary. Amendments are required to eliminate the disadvantageous position in which a woman prosecutrix is placed.

51. An effort to liberalise in a very limited way the stringent provision in the Penal Code which provides that the termination of pregnancy is a punishable offence unless caused in good faith for the purpose of saving the life of the mother, was not successful. This provision was sought to be amended in 1995 by providing for the termination of pregnancies in cases of pregnancies arising out of rape and incest and also where the fetus was established to have congenital abnormalities inconsistent with normal life. Although this provision was included in the Bill which was presented to Parliament and had the

active support of the National Committee on Women, it was withdrawn from the Bill at the Committee stage in Parliament, in the face of opposition from certain sectors. Although the National Committee on Women has continued to pursue the amendment of this provision, no headway has thus far been made.

52. It is accepted that the introduction of the necessary legal framework deals with only one aspect of the efforts to combat the grave issue of violence against women and children. There is acute awareness that effective implementation of the laws is the ultimate test of commitment. Much is expected from the law enforcement agencies and the Courts to implement the new laws in the spirit in which they have been enacted. Although special Desks have been established in certain key Police Stations, to deal with complaints of gender based offences, lack of resources (financial and personnel) militate against the efficient functioning of these units. Efforts are also being made to create an awareness of law enforcement related gender issues among law enforcement officers.

(c) Domestic violence

53. Incidents of violence perpetrated on women in the domestic scene are dealt with in terms of the Penal Code. This means that the act committed must fall within one of the recognised offences in the absence of specific legislation to deal with these issues. There is no special legislative provision which enables the obtaining of restraining orders or protection orders in domestic violence situations. Domestic violence is known to take place in all socio - economic classes, but is seldom reported. Reporting such incidents to the Police is futile unless there is a ready remedy. If a woman has to return to the same environment of violence after reporting the incident survival is all the more difficult in a society which has been conditioned to accept it as a man's right. Domestic violence legislation has been identified as an area for further policy formulation. Programmes to create awareness amongst women regarding their legal rights and the procedure for the securing of these rights are being conducted by the Women's Bureau.

Article 4

TEMPORARY SPECIAL MEASURES

54. No temporary special measures have been considered appropriate for the purpose of achieving de facto equality.

Article 5

ELIMINATION OF PREJUDICES

55. Sri Lanka is a country in which the traditional role of women in society is still respected to varying degrees in the rural and in urban societies. Ours is a conservative society with strong beliefs in cultural norms and deeply rooted prejudices. Such a society

provides an ideal base for the nurturing and enhancement of prejudices encouraged also by a media which reinforces gender stereotyping. A publication of the department of Census and Statistics[16] accurately highlights this factor in discussing the role of the mass media in bringing about attitudinal changes in society in relation to women's empowerment thus - "The gender roles reflect the male perspective and the image of a woman is rarely depicted to mirror women's contribution to national development. In fact, it is regrettable to observe that the television which is the most effective instrument today to reach the masses, is often used to portray women in conventional stereotype roles highlighting their dependency, submissiveness and responsibilities related to nurturing the family."

56. However, the generally accepted concept of male supremacy which was relevant at a time when the woman was seen no more than as the home maker, is gradually being demolished with equal and easy access to education and the consequent determination of the young women of Sri Lanka to equip themselves with the potential to be equal partners with men. If adherence to stereotype roles for women still exists, it is due to the fact that Sri Lankan society is slow to discard tradition. Education of women is seen as the primary means of overcoming any prejudices that may exist against the entry of women into hitherto uncharted fields. Although no enforced action has been taken towards eliminating prejudices, it is believed that a natural acceptance of the true value of women will soon be a reality with increasing numbers receiving education. It is also believed that those who have taken the leadership in all spheres of life which contribute to the social as well as economic aspects of life, serve as a role model to others. Tracing the steps of such trail blazers would not be frowned upon by those with less courage to enter new areas and by the elders. It is, therefore, a matter of time before prejudices are broken down and gender stereotypes are no longer a reality. This issue is also referred to under Article 10.

57. Gender sensitizing programmes conducted by the Ministry of Women's Affairs and other governmental institutions incorporate a component that encourages the sharing of responsibilities by partners.

Article 6

TRAFFICKING, EXPLOITATION & PROSTITUTION

58. Issues relating to trafficking and prostitution of women, have received priority attention. Legislation was introduced in 1995 to deal more effectively with "Sexual exploitation of children", "Trafficking of persons" and "Procuration". In addition, the SAARC Heads of State have identified the problem of illegal Trafficking of women as a priority issue which needs to be remedied by countries of the region through mutual efforts. Accordingly, a Regional Convention for the SAARC Countries has been mooted and is expected to be signed at the next SAARC Heads of Government Meeting scheduled for 1999.

[16] *Women and Men in Sri Lanka* (supra).

PART II

Article 7

POLITICAL AND PUBLIC LIFE

59. There is no change in the statutory principle of non-discrimination against women in political and public life. The women have entered public life from diverse fields and established themselves at different strata varying from politicians, professionals to semi-skilled workers. However, a gender bias exists and imbalances are apparent in the occupational structure. Although an increasing number of women are qualifying to assume professional and managerial posts, and the situation is gradually changing in favour of women, the economic and political decision making positions continue to be largely male dominated. Women are mostly concentrated in the middle grades of the service sector. The concentration in the middle grades is due to the large numbers of women employed in the teaching (65% of the total) and nursing professions.

- National level

60. Although women are becoming increasingly politically conscious, the proportion of women who participate in active politics is low. Women are poorly represented in Parliament and therefore there is concern that their issues are inadequately voiced[17]. In the 1994 Parliamentary elections, out of a total of 1,410 candidates, 55 (i.e. 3.9%) were women. Of these, 11 women out of a total of 225, (i.e. 5.0%) were elected to Parliament[18].

61. In 1980, only 2 of the total of 90 Ministers of all ranks (i.e. Cabinet Ministers, Deputy Ministers, District Ministers, State Ministers and Ministers of non-Cabinet rank) were women. In 1994, the ratio was 7 of a total of 54 with only two out of 22 Cabinet Ministers and 5 out of 30 Deputy Ministers being women.

- Provincial level

62. Only 4.7% of the Provincial Council seats were occupied by women as at 1998. At the 1999 Provincial Council elections, a total number of 3,677 candidates contested to be elected to the seven Provincial Councils out of which 198 (5.38%) were women. Of the total number of 366 elected members, 11 (3%) were women. These figures indicate that only 5% of the women contestants were successful[19].

- Local Government level

63. In 1991, women candidates at Municipal Council elections accounted for 3.65%, at Urban Council elections for 2.75% and at the lowest level of Pradeshiya Sabhas for 2.43%. Of these, 2.9%, 2.5% and 1.6% were elected to the Municipal Councils, Urban Councils and Pradeshiya Sabhas, respectively.

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[17] *Women and Men in Sri Lanka* (supra).

[18] *Changing role of women in Sri Lanka* – Department of Census and Statistics.

[19] Department of the Commissioner General of Elections.

64. This proportion decreased further at the 1997 Local Government elections to 2.3 % women candidates at Municipal Councils elections, 1 % at Urban Council Elections and 1.1 % at Pradeshiya Sabha Elections[20].

65. These figures indicate that women's participation in decision making at all levels is minimal. Consequently, recommendations are being made to introduce a quota system for women at Local Government level.

66. The issues which have been identified for low participation of women in politics are -

* Social attitudes and values which consider politics a male domain;
* Family responsibilities which take precedence over the pursuit of a political career;
* Party structures and processes directly or indirectly obstruct female participation;
* Criminalisation of politics and character assassination during election time;
* The high cost of electioneering.

Professionals

- Women have displayed an aptitude for certain professions throughout history and as at 1992, a higher concentration of women, nearly 25% (as opposed to almost 15% in the case of men) were in the occupational category of professional and technical workers in the urban sectors. In the rural sector the figures were 10% for women as opposed to almost 5% for men[21].
- It is evident that the private sector has offered more job opportunities to women, employing 799,350 as opposed to the 700,592 in the public sector. However, more than 80% of the private sector women employees are absorbed in labour intensive jobs with low wages.
- The percentage of women senior officials and managers in all major occupational groups is 0.9% as at 1997 and that of professional women is 10.0%. (See Table 21 for a comparison with figures relating to males).
- At the higher echelons of the public service (policy making levels) the number of women as at 1999 are as follows :-

Post	Total	Women	%
Secretaries to Ministries	32	1	3.1
Additional Secretaries	59	21	35.6
Heads of Departments	73	8	10.9

- In Universities, women's representation at decision making level is negligible. Of a total of 12 chancellors of universities, only 1 is a woman. The first woman Vice Chancellor was appointed in April 1999. There are no women Registrars. 7 out of 51 Deans and 38 out of 202 Heads of Departments were

[20] Department of Census and Statistics

[21] *Changing Role of Women in Sri Lanka* (supra) page 128.

women.

- The distribution of public sector employees in selected occupations indicate that there are more women employees in the health and education services and that they are concentrated at lower levels. Only 1/10th of the engineering and technical related jobs are occupied by women.
- In the field of law, there has been a steady increase in the numbers of women entering the field. Admission to the Law College and to the Law Faculty of the University indicate that at least 50% of the intake have been women in the past several years. The challenge however, is not their entry but their survival in a highly competitive field which has traditionally been dominated by males.

Table 2.
Judicial Officers by sex.

Court	1990			1993			1999		
	Total	Women		Total	Women		Total	Women	
		No.	%		No.	%		No.	%
Supreme Court	12	-	-	12	-	-	12	1	8.3
Court of Appeal	11	-	-	11	-	-	11	1	9.0
High Court	23	1	4.3	23	1	4.3	28	1	3.5
Minor judiciary	167	33	19.8	161	38	23.6	169	37	21.9

Source : Judicial Service Commission & Registrars of Appellate Courts

67. In the main Government departments employing lawyers, i.e. the Attorney General's department and the Legal Draftsman's department, the numbers are as follows[22] -

Attorney General's Department

Attorney General - 01 (Male. There has never been a female A.G);
Solicitor General- 01 (Male. There has never been a female S.G.);
Addl. S.G.- 04 (All males. There have never been female A.S.G's);
Dy. S.G. - 01 female out of a total of 9 officers;
Sr. State Counsel - 03 females out of a total of 21 officers;
State Counsel - 12 females out of a total of 88 officers.
[State Attorneys division]:
State Attorneys - Both posts are held by females;
Sr. Asst. State A's - All three posts are held by females;
Asst. State Attorneys 6 females out of a total of 7 officers.

68. Although the ratio of females to males indicates a low percentage of females, it is evident that increasing numbers are joining the department and are receiving their promotions on merit without discrimination. In fact, the highest ranking female officer is one who joined the department as a State Counsel and received her due promotions. The very first female officer who joined the

[22] Source – Departments of the Attorney General and of the Legal Draftsman.

department has now been promoted as the first woman Judge of the Court of Appeal.

Legal Draftsman's Department -

Legal Draftsman	-	01 (Male. There has never been a female L/D)
Additional L/D	-	01 (Male. Between 1992 and 1994 this post was held by a female who has since retired) ;
Deputy L/D	-	03 (All females)
Sr. Asst. L/D	-	08 females out of a total of 10 officers.
Asst. L/D's	-	04 females out of a total of 06 officers.

69. After initial recruitment, promotions in the Judiciary and these departments are based largely on seniority. Thus, it will only be a matter of time before more women are appointed to the higher echelons of these institutions.

- Women's participation in defense activities is low, but depicts their capabilities in a male dominated field. 1.0% of Army personnel, 2.7% of the Air Force personnel, 2.0% of the Navy personnel and 3.5% of the Police cadre were women as at 1993.[23]

- As at 1998, an increasing number of women have been appointed to positions of responsibility in the Public and Judicial services. With the rapid increase of women receiving higher educational qualifications, and the rise in seniority of those already in service, it is believed that their claim to positions of responsibility in the public and private sector will not be ignored. However, the issues which have been recognised as being in need of remedial action are as follows -

  * Social attitudes and values consider decision making in the public sphere a male prerogative ;
  * Family responsibilities do not give most women the time for jobs at high decision making positions or for training in such positions;
  * Lack of efficient/adequate machinery to maintain a watching brief on appointments, scholarships which lead to high decision making levels.

Article 8

REPRESENTATION OF GOVERNMENT AT INTERNATIONAL LEVEL

70. There is no discrimination against women in the selection of Government representatives for international meetings. Representatives are selected on the basis of expertise in the relevant field. Since there is no conscious effort to include women on a gender basis, gender imbalance may result in some delegations.

[23] Source – *Women and Men in Sri Lanka* (supra)

71. There are also no barriers to the participation of women in the work of international organisations. It is with pride that we record appointments of Sri Lankan women to the UN CEDAW and as an alternate member to the Sub Commission on Promotion and Protection of Human Rights.

Article 9

NATIONALITY

72. The statutory position remains as stated in the Second Report subject to the introduction of legislation to permit acquisition of dual citizenship. The new law regarding this matter does not leave room for gender discrimination.

73. The area which did cause some concern is with regard to the matter of granting visas to foreign spouses of Sri Lankan women citizens. The statute provides for an alien man or woman to make application for Sri Lankan citizenship by registration upon marriage to a Sri Lankan. There is a requirement under Regulations made under the Citizenship Act that an applicant for citizenship should have completed one years stay in the country. The guidelines which were been formulated for the purpose of granting visas to foreign spouses of citizens differed. Residence visas to foreign female spouses of Sri Lankan men were granted as a matter of course, whereas applications for grant of residence visas to foreign husbands of Sri Lankan women were considered individually on the merits of each case. The discretion used often left room for challenge in the absence of a rational basis for the differential treatment of the two categories. A governmental committee was appointed to examine the matter. However, the Supreme Court has now settled the issue by a directive which requires that the discriminatory guidelines be changed. This directive was given in May 1999, when in an application to the Supreme Court, by a Sri Lankan woman and her foreign husband, challenging the non-issue of a residence visa to the husband, the Court accepted that that there was no rational basis for the discriminatory treatment contained in the guidelines and issued a directive to the Controller of Immigration and Emigration to make and publish the guidelines and procedures conforming to Article 12 of the Constitution (which recognises the right to equality), for the grant of such visas to foreign spouses. New guidelines which conform to the Constitutional guarantee have now been formulated.

74. The other matter of concern is with regard to the statutory provision dealing with the question of citizenship of children. Citizenship by descent is determined only on the recognition of paternal ancestors. This too is a matter which is being examined with a view to recommending changes.

PART III

Article 10

EDUCATION

(a) Primary and Secondary Education

75. The National Education Commission, appointed in terms of the National Education Commission Act, No. 19 of 1991 with a mandate to advise and submit recommendations to the President on the national education policy of the Government produced its first report in 1992, underscoring equal educational opportunity for all, and further recommended in 1995, inter-alia, ten years of universal and compulsory education, more equitable distribution of educational opportunities, and curriculum reforms in school, university and teacher education.

76. As a consequence, regulations were made in January 1998 making education compulsory for the age group 5 to 14 years. Raising the minimum age of marriage from 12 years to 18 years in 1996 is expected to encourage longer years of schooling for girls. Various statute laws specify the ages at which and the field of employment in which children may be employed [eg. Employment of Women, Young Persons and Children Act, No. 4 of 1956, Factories Ordinance, Shop and Office Employees Act, Minimum Wages (Indian Labour) Ordinance]. The minimum age permitted in respect of non-hazardous employment is 14 years. Employment of children under 12 years is totally prohibited.

77. Equal education opportunities, however, have been promoted in Sri Lanka as a basic right and as an avenue to upward socio-economic mobility by the provision of substantial incentives such as free primary, secondary and tertiary education since 1945; by the provision of scholarships, midday meals where feasible, free text books since 1980 and free school uniforms since 1993. All these facilities are accorded irrespective of gender, on purely merit basis. Statistics indicate that women show substantial progress in achieving secondary education. However, there are more women than men without proper schooling. With the progressive policies which have been formulated, Sri Lanka is confident that such disparities will be eliminated.

78. The National Education Commission has recommended a curriculum re-organisation that could obviate the present gender based cultural demarcation with 'masculine' and 'feminine' subjects (eg. Woodwork and metal work for boys and Home economics and Weaving for girls, irrespective of individual aptitudes). This is sought to be done through activity rooms and curricula to equip students with life competencies. This proposal is yet to be implemented. The Women's Charter also calls for access to the same curricula for both boys and girls. Diversification into academic streams (Science, Arts and Commerce) takes place in Grade 12 and is determined purely by performance, aptitude and individual preference.

79. Co-education is widespread - 96.6% of schools admit both boys and girls. Of the teaching cadre 67% are women. Although shortcomings in the distribution of facilities have been identified, none of these can be traced to gender based discrimination. The

equal distribution of scarce resources is a challenge which is being undertaken by the State without any preference to gender.

80. Educational participation rates have increased very slowly in the 1990's. By 1998 the total number of Government schools reached 10,373 with a student population of 4,143,442. The average is about 399 students per school with a student - teacher ratio of 22[24]. Gender differences in enrolment rates are minimal. It will be seen that in respect of Years 9 to 11 and Years 12 & 13, the greater percentage of students enrolled were girls, in terms of the school census of 1993 as well as that of 1997.

81. The following Tables indicate the comparative numbers of girls and boys in the student population in schools:

Table 3.
Enrolment in schools by grade and gender (1993-1997)

Educational level	Total		Male		Female		% Female	
	1993	1997	1993	1997	1993	1997	1993	1997
Years 1 – 5	1,979,968	1,799,211		928,047	954,766	871,164	48.2	48.4
Years 6 – 8	1,094,051	1,047,177		530,629	540,868	516,548	49.4	49.3
Years 9 –11	906,494	1,026,368		496,449	470,494	529,919	51.9	51.6
Years 12 – 13								
Science	46,551	47,811		26,799	21,176	21,012	45.5	43.9
Arts	89,031	117,996		39,196	61,183	78,800	68.7	66.8
Commerce	55,563	59,407		31,231	28,278	28,176	50.9	47.4
Total	191,144	225,214		97,226	110,647	127,988	57.9	56.8
Total	4,172,897	4,100,810		2,054,022	2,077,282	2,046,788	49.8	49.9

Source : Ministry of Education.

Table 4.
Education participation Rates by sex – 1994

Age group	Total	Male	Female
5 – 9	83.9	84.0	83.9
10 – 14	94.4	94.3	94.4
5 – 14	89 5	89.4	89.5
15 – 19	54.5	53.4	55.3
20 – 24	4.7	4.7	4.6
5 – 24	61.8	62.2	61.4

Source : Demographic Survey, 1994 – Department of Census & Statistics.

Table 5.
Attainment of education by sex – 1996/97

Level of education	1986/87		1996/97	
	Male	Female	Male	Female
Primary and above	91.7%	84.8%	93.9%	89.0%
Secondary & above	47.8%	46.3%	56.1 %	56.1%
Post secondary	14.4%	15.5%	19.5%	21.7%

Source : Department of Census & Statistics

[24] Central bank of Sri Lanka Annual report, 1998.

82. Although there was no discernible gender difference in the drop out rates in the primary classes, male dropout rate was comparatively higher at the secondary level.

Table 6.
School drop out rate by level of Education (1990 – 1992)

Year	Primary Education			Secondary Education		
	Total	Girls	Boys	Total	Girls	Boys
1990	3.25	3.03	3.45	6.27	5.30	7.20
1991	2.54	2.46	2.81	6.22	5.12	7.30
1992	2.44	2.28	2.59	5.46	4.51	6.39

Source: Ministry of Education & Higher Education

(b) Public Examinations

83. Public Examinations are conducted at two levels for secondary school students. The first, the General Certificate of Education (Ordinary Level) taken in Year 11 (age approximately 16-17 years) identifies those who can proceed to do higher studies in different streams. The second, the General Certificate of Education (Advanced Level) taken in Year 13 (age approximately 18-19 years) identifies those who are eligible to enter the Universities for the various undergraduate courses of study.

84. Statistics indicate that the performance of girls at Public examinations has been extremely good.

Table 7.
Performance of Candidates at G.C.E (O/L) Examination 1994 – 1998

	(1) Total	(2) % Males	(3) % Females	(4) % Females who qualified/failed out of Total Females who sat
No. sat				
1994	484380	46.4	53.5	
1995	483249	46.5	53.4	
1996	492422	46.5	53.4	
1997	501505	46.8	53.1	
1998	509499	46.6	53.3	
Absentees				
1994	82616	53.0	46.9	
1995	83719	52.6	47.3	
1996	88833	53.7	46.2	
1997	86142	53.5	46.4	
1998	99820	52.2	47.7	
Qualified for A/L				
1994	85345	45.4	54.5	17.9
1995	80491	45.4	54.5	17.0
1996	106662	44.8	55.1	22.4
1997	119383	45.8	54.1	24.2
1998	132255	44.9	55.0	26.8
Failed				
1994	42908	51.7	48.2	8.0
1995	43164	51.6	48.3	8.1
1996	38503	52.6	47.3	6.9
1997	45033	50.9	49.6	8.3
1998	39137	49.8	50.1	7.2

Source : (1) - Department of Examinations;
% figures in (2) , (3) & (4) calculated on data given by Examinations dept.

Table 8.
Performance of Candidates at G.C.E (A/L) Examination 1994 – 1998

	(1) Total	(2) % Males	(3) % Females	(4) % Females who qualified/failed out of Total Females who sat
No. sat				
1994	126345	43.5	56.5	
1995	136724	43.2	56.7	
1996	141161	43.9	56.1	
1997	142336	42.9	57.1	
1998	147851	43.1	56.9	
Absentees				
1994	22639	56.4	43.6	
1995	25326	55.6	44.4	
1996	32053	53.2	46.8	
1997	30917	53.5	46.5	
1998	31981	52.6	47.4	
Qualified for Univ. Entrance				
1994	56738	41.8	58.2	46.3
1995	70133	40.1	59.9	54.1
1996	71822	40.0	59.9	54.4
1997	73574	38.0	62.0	56.1
1998	73358	37.4	62.6	54.6
Failed				
1994	13551	58.7	41.3	7.8
1995	12506	59.0	41.0	6.6
1996	12223	64.2	35.8	5.5
1997	9833	62.5	37.5	4.5
1998	11310	63.6	36.0	4.8

Source : (1) - Department of Examinations;

% figures in (2), (3) & (4) calculated on data given by Examinations dept.

(c) Higher Education (Undergraduate and Postgraduate)

Background

85. As at the end of 1998, the University system provided for twelve (12) National Universities, six (06) Post Graduate Institutes and five (05) other Institutes.

86. At the end of 1995, there were approximately 34,000 undergraduate students in Universities and Institutes following degree courses in Arts (Social Sciences, Humanities and Fine Arts,) Commerce, Management Studies, Law, Science, Engineering (including Architecture), Medicine (including Dental Science and Indigenous Medicine) and Agriculture (including Veterinary Science). The enrolment for post graduate courses totalled approximately 4000.[25]

87. The Open University (which is one of the twelve national Universities) had an enrolment of approximately 21,000 students for degree, diploma and other courses, many of whom were employed and therefore engaged in part time studies. Some of the Universities also provided for external degrees in respect of which the enrolment was approximately 76,000.[26]

88. The Sri Lankan University system provides six (06) Postgraduate Institutes each attached/affiliated to a national University. The Institutes are those of Archaeology,

[25] Source – University Grants Commission.
[26] Source : University Grants Commission.

Agriculture, Management, Medicine, Pali & Buddhist Studies and Science.

89. There are also five (05) other Institutes offering courses in Aesthetic studies, Computer Technology, Indigenous Medicine, Ayurveda and Workers Education , leading to Bachelors degrees or Diploma's.

Undergraduate studies

90. Admission to Sri Lankan Universities is highly competitive due to the limited number of places available within. The number selected to Universities in the academic years 1993/94 to 1996/97 ranged from 16% to 17% of those who secured minimum entry qualifications on the results of the G.C.E. (A/L) examinations. Admission to Universities is determined by the University Grants Commission (UGC) [27] on the basis of the aggregate marks received by a student. In respect of all streams other than Arts, admission is determined with reference to the dual criteria of all island merit and merit on a district basis. The rationale for use of 'district basis merit' is the considerable disparities that exist between districts in regard to educational facilities and seeks to combine merit with equity and fairness in determining admissions. A small number (1.5%) are also admitted on special considerations, namely (a) personnel of security forces, (b) those who have excelled in sports and arts, (c) foreign qualified students. Admission to the Arts stream is on the basis of all island merit determined on the aggregate marks. These policies have not shown to have had any adverse effect on female student intake.

[27] The UGC was established in 1978 under the Universities Act of 1978 and is responsible, inter-alia for formulating University admission policy with the concurrence of the Government.

Table 9.
University Intake.
Eligible and admitted students according to subject streams and gender
1993/94 – 1996/97

	Eligible to enter University	Admitted to Universities			
		Total %	*Female %*		
	% females eligible out of Total No. eligible (*)	% admitted out of Total no. eligible	% Females admitted out of Total no. eligible (*)	% Females admitted out of Total no. of females eligible	% of Females admitted out of Total no. admitted
Arts					
1992	67.5	11.11	6.6	9.8	59.6
1993	67.3	11.98	4.6	10.8	60.7
1994	68.0	12.35	7.9	11.6	64.0
1995	69.7	9.9	6.4	9.2	64.8
Commerce					
1992	52.8	8.54	3.5	6.7	41.2
1993	52.0	9.46	4.3	8.5	46.5
1994	52.8	10.62	3.8	9.2	45.6
1995	52.7	9.37	4.5	8.5	47.9
Physical Science					
1992	22.1	48.1	9.1	41.1	18.9
1993	24.0	40.2	7.7	32.1	19.2
1994	21.1	56.9	10.1	48.3	17.9
1995	23.6	58.9	12.5	53.2	12.5
Biological Science					
1992	54.5	21.5	9.4	17.3	43.8
1993	58.2	16.3	8.1	14.0	58.2
1994	56.1	20.7	9.5	17.0	46.0
1995	56.5	24.0	11.6	20.7	48.6
Total					
1992	57.8	14.5	6.3	10.9	43.2
1993	57.5	14.6	6.7	11.7	46.0
1994	58.2	16.2	7.4	12.8	45.8
1995	60.0	14.7	7.0	11.7	47.8

Source : University Grants Commission
(*) % calculated on the basis of UGC data.

91. Statistics indicate that –

- Although a larger number of female students than Male students qualify for admission to Universities (between 57% to 60%), the actual total female intake is less than that of male students (<than 48%). This is due to the fact that the mean marks of female students is less than that of male students.
- The number of females entering Universities has increased over the years. The percentage admitted out of the eligible female candidates shows a higher % increase (0.7 percentage points) than the total % increase in the overall admission (0.2 percentage points) between 1993/94 and 1996/97.
- The largest female student intake is to the Arts stream which has a larger number of females than males (> than 59%).
- The % of females admitted to the Biological science stream has consistently been greater than the total % of females admitted to all streams;

- Admission of females to the Physical science stream has always been very low.
- A comparison of the marks in different mark ranges indicate that the proportion of female students in the higher mark ranges was low in the Biological Science stream and very low in the Physical Science stream[28].

Table 10.
Student enrolment in Universities 1990/1991 – 1995/1996

Year	Total	Male	Female	% Female
1990/1991	31,447	17,926	13,521	42.9
1991/1992	30,637	17,045	13,592	44.4
1992/1993	31,764	16,848	13,916	45.2
1993/1994	31,241	17,109	14,132	45.2
1994/1995	32,800	18,219	14,581	44.5
1995/1996	36,797	20,078	16,719	45.4

Source : University Grants Commission.

Table 11.
Undergraduate enrolment in Universities according to academic stream and sex, 1991/92 to 1995/96

Course	1991/92		1993/94		1994/95		1995/96	
	Total Enrolment %	% of Women	Total	% of Women	Total	% of Women	Total	% of Women
Arts	32.5	20.2	9895	59	10784	56.6	12209	59.7
Management	08.4	03.7	5808	44	6038	43.1	7347	43.4
Commerce	09.6	04.8						
Law	02.9	01.8	846	57.5	828	59.1	1014	59.0
Science	20.4	09.2	5257	38.5	5249	38.0	5642	37.1
Medicine	10.9	04.8	4314	43.2	4620	42.2	4899	41.6
Dental Science	00.9	00.5	424	47.6	367	51.5	371	52.9
Veterinary Science	00.8	00.4	298	49.7	328	50.6	369	50.7
Agriculture	03.7	01.7	1365	42.4	1515	43.0	1517	42.8
Engineering	08.9	01.4	2703	11.7	2728	11.7	3156	11.7
Architecture	00.6	00.4	331	30.2	343	33.2	23	38.1
Quantity Survey	00.4	00.1						
Total	100.0	49.0	31241	45.2	32800	44.4	36797	45.4

Source : University Grants Commission; % calculated on UGC data.

Post Graduate studies

92. Post graduate enrolment in government Institutions is dominated by males in many fields of study. It is believed however that with the increase in numbers of women receiving higher education at secondary school and undergraduate level it will be a matter of time before Post Graduate Education becomes more popularly accessed by women. It is a fact however that family responsibilities hinder the pursuit of postgraduate studies by women.

[28] Analysis of Dr. D. Kottahachichi, U.G.C. in a paper presented at the 6th National Convention on Women's Studies, 1998 organised by CENWOR.

Table 12.

Postgraduate enrolment in Universities according to Academic stream and sex 1991/92 to 1995/96.

Course	1991/92		1992/93		1993/94		1994/95		1995/96	
	Total Enrolment %	% of Women	Total	% of Women	Total	% of Women	Total	% of Women	Total	% Women
Arts	22.4	5.5	946	37.8	909	40.4	904	41.0	1863	40.3
Commerce & Management	0.1	0.0	211	15.6	141	19.8	274	16.0	387	20.1
Law	2.4	0.8	61	31.1	10	70.0	98	33.6	68	27.9
Education	14.6	22.2	1996	55.1	1832	50.6	1741	43.8	1744	48.8
Science	3.9	4.6	241	33.6	283	39.5	462	33.3	538	31.4
Medicine	0.1	1.8	111	46.8	69	42.0	63	49.2	86	29.0
Dental Science	0.4	0.1	04	75.0	06	66.6	06	66.6	01	100
Veterinary Science	0.3	0.2	02	-	04	-	01	-	03	33.3
Agriculture	3.1	0.1	09	66.6	11	54.5	17	52.9	16	43.7
Engineering	2.7	0.5	125	12.8	91	17.6	225	18.6	101	17.8
Architecture & Quantity Surveying	50.0	1.0	117	36.7	72	40.2	63	38.1	37	59.4
Total	100.0	49.0	3823	44.7	3428	44.5	3854	38.2	4844	40.1

Source : University Grants Commission; % calculated on UGC data.

93. There is under representation of women in technology related courses in Universities and in Technical Colleges and non-formal vocational training programmes. One of the reasons for this could well be gender role stereotypes or assumptions which is part of the socialisation process carried on in homes and in schools. Age old perceptions as to what fields are most suitable for women and what fields are not, tend to reinforce stereotypical behaviour and thereby to reproduce inequalities and impose limitations on aspirations and options available after secondary school. These gender role stereotypes or assumptions are also seen as limiting women's options in training programmes for self employment, resulting in overcrowding in what are perceived to be appropriate and feminine occupations. These drawbacks have been identified and efforts are being made by NGO's to introduce sensitisation programmes. Non-governmental Organisations have also undertaken pioneering work in developing non-traditional vocational training programmes, functional literacy programmes with a gender perspective and gender sensitisation programmes. These are ad-hoc interventions limited by resource constraints which will supplement state efforts.

94. Alternative opportunities for higher education outside the universities as well as vocational education facilities are inadequate to meet the needs of school leavers. In most of these institutions/programmes, approximately 45% of the students are women.

(d) Vocational Training

95. Women's participation in vocational training is reported to be quite high, although concentrated largely in conventional feminine activities.

Table 13.
Vocational Training

1992

Training area	Total	Women %
Business studies	5636	57.1
Agriculture	563	18.8
Automobile Industry	2960	0.2
Construction Industry	902	3.8
Draughtsmen, Quantity Surveying etc.	3977	27.6
Electrical/Electronic Technicians	1550	3.9
Technicians	205	25.4
Shoe Industry	122	74.6
Jewellery	406	38.9
Handicraft	2678	97.6
Food & Related Industry	644	22.7
Printing & Related Industry	575	36.9
Office work	2837	87
Textile & Garment	8363	92.6
Beauty Centre, Aquarium services, etc.	1036	87.5
English & other courses	1791	65.2
Total	34245	58.6

Table 14.
Enrolment in Technical Colleges

Course of study	1984			1994		
	Total	Women		Total	Women	
		No.	%		No.	%
Total	18,041	6,704	37.2	17,069	7,362	43.1
Diploma in Technology	817	155	19.0	104	37	35.6
Diploma in jewellery design & Manu	-	-	-	28	5	17.9
Cert. In technology	4,033	370	9.2	2,795	431	15.4
Trades/Crafts	2,289	151	6.6	3,591	69	1.9
Diploma in Agriculture	196	43	21.9	194	69	35.6
Cert. in Agriculture	-	-	-	-	-	-
Dip in Accountancy/Commerce	4,553	1,998	43.7	199	95	47.7
Dip in Business studies	-	-	-	510	307	60.2
Cert in Business studies	3,894	2,760	70.9	442	282	63.8
Accounting technicians	-	-	-	2,024	1,275	63.0
Stenography	-	-	-	2,281	2,256	98.9
Quantity surveying	-	-	-	626	274	43.8
Draughtsmanship	661	348	52.6	823	404	49.1
Construction trades	-	-	-	452	3	0.7
Dip in Home Economics/ Home science	113	113	100.0	159	159	100.0
Tailroign/Batik	82	39	47.6	119	78	65.5
Diploma in English	-	-	-	478	337	70.5
Cert. in English	1,403	737	52.5	2,244	1,281	57.1

Source: Department of Census & Statistics

(e) Literacy

96. Male and female literacy rates were reported to be 92.5% and 87.9% respectively, in 1994. Gender disparities in literacy rates have declined since free education was introduced and in general, although males are ahead of females in literacy, young women show a higher tendency in literacy than their male colleagues. Significant differences are found only in the population over 45 years, where the number of illiterate women are more than twice the number of illiterate men for the population of this age group.

The sector wise literacy rates reveal a high concentration of illiterate women in the plantation sector employing families of immigrant South Indian origin. Here women appear to be far below men in their literacy levels.

Table 15.
Age specific literacy rates

Age Group	1992			1994		
	Total	Male	Female	Total	Male	Female
10-14	92.2	91.9	92.5	90.1	92.4	87.8
15-19	93.7	93.0	94.5	95.2	94.8	95.7
20-24	92.7	91.2	94.2	94.7	94.4	95.1
25-29	89.1	90.8	88.2	91.7	92.1	91.5
30-34	90.8	90.8	90.9	91.1	91.7	90.6
25-39	88.6	91.0	86.7	91.5	92.7	90.3
40-44	90.4	93.4	87.6	91.1	93.4	88.6
45-49	85.0	92.1	77.5	89.2	93.1	85.4
50-54	79.9	90.5	69.2	86.3	92.3	80.5
55-59	75.6	85.8	64.8	82.4	90.8	74.5
60-64	71.5	82.4	61.3	78.3	88.5	68.5
65 over	61.1	77.8	44.3	76.9	88.4	65.8
All ages	86.9	90.0	83.8	74.0	85.3	63.4

Source: Department of Census & Statistics

Table 16.
Literacy Rate - Sector wise

Sector		1986/87	1990/91	1994
Urban	Women	86.2	90.6	91.8
	Men	91.2	94.0	94.8
Rural	Women	77.8	84.3	
	Men	85.4	89.9	Women 87.1
				Men 92.1
Estate	Women	41.0	52.8	
	Men	67.4	79.0	

Source: Department of Census & Statistics

Table 17.
Illiteracy 1990/91

Age group	Illiteracy Rate		Illiterate Women As a % of Illiterate Men
	Women	Men	
10-14	6.8	7.6	89.5
15-19	6.1	6.1	100.2
20-24	8.4	8.7	96.6
25-29	11.2	9.2	121.2
30-34	10.4	8.4	124.6
35-39	14.7	8.9	165.0
40-44	15.6	8.0	193.8
45-49	22.7	9.5	237.4
50-54	30.9	10.3	300.4
55-59	37.6	14.9	253.3
60-64	42.2	16.0	264.0
65 & over	53.0	22.7	233.9
All ages	16.9	9.9	172.0

Source: Department of Census & Statistics

(f) Participation in sports, cultural & recreation programmes

97. There is no discrimination or barriers in the participation of women in sports, cultural or recreational programmes, nor is there discrimination in the organisation of such activities. There may, however, be gender differences.

98. In the field of sports, women have increased their visibility and enhanced their performance. They benefit from increased support from the Government and the private sector which often funds skills enhancement programmes.

Article 11

EMPLOYMENT

99. Although the constitutional guarantee against discrimination remains unchanged, private sector discrimination cannot be challenged in the Supreme Court for the reasons explained under Articles 2 & 3 above. Discriminatory practices against women engaged in economic activities outside the State sector have not thus far been challenged as being violative of the constitutional guarantees.

100. The Women's Charter incorporates provision on the economic rights of women. This has engendered concerns regarding the problems of women in the field of employment.

(a) Employment of women

Table 18.
Labour Force Participation Rate by gender (1993 – 1999)

Year	% women of total labour force	Labour Force participation rates %		
		Total*	Male	Female
1993		49.1	65.3	33.1
1994	30.2	48.7	65.4	32.0
1995	31.7	47.9	64.4	31.7
1996	31.5	48.7	65.9	31.6
1997	32.3	48.7	65.7	32.0
1998		51.47	67.4	36.1

Source : Department of Census and Statistics

* Total % of the economically active persons out of the working age population.

101. Between 1993 – 1997 there has been no marked change in the participation rate of females. The 1998 figures show a marked increase from the period before due to the increased coverage of female unpaid family workers such as housewives engaged in supporting family income generating activities, especially in the agriculture sector, who were counted as "not in labour force" in previous years.[29]

102. The Central Bank Report of 1997[30] predicted that the female participation in the labour force was likely to increase further due to factors such as the gradual increase in the proportion of females in tertiary education and job oriented training and increase in the sex ratio in favour of females.

103. The highest participation rate for females (1995 to date) is reported in the age groups 20-24 years and 25-29 years. The drop, thereafter, is presumably due to marriage and child bearing.[31]

Table 19.
Currently employed persons by age groups (Women), 1992 - 1997

Age (in years)	1992	1993	1994	1995	1996	1997
All age groups	100.0	100.0	100.0	100.0	100.0	100.0
10-14	0.8	0.4	0.5	0.4	4.5	2.8
15-19	5.9	5.9	5.3	5.0	6.0	5.8
20-24	13.9	15.4	13.2	12.9	13.1	12.3
25-29	14.4	12.9	14.8	14.3	14.2	13.5
30-39	29.2	27.7	30.4	27.3	28.6	29.0
40-49	21.4	24.9	22.7	24.9	23.7	24.2
50-59	10.7	9.2	9.5	10.7	10.1	10.6
60 & over	3.7	3.6	3.7	4.5	3.7	4.2

Source : Department of Census and Statistics

[29] Central Bank Report, 1998 (page 106).
[30] Central Bank of Sri Lanka Annual Report. 1997 (Page 103)
[31] Department of Census & Statistics Bulletin of Labour Force Statistics, Issue No. 1.

Table 20.
Employed persons by employment status

Year	Employee				Employer		Own Account worker		Unpaid family worker	
	Public		Private							
	M	F	M	F	M	F	M	F	M	F
1994	15.9	17.7	43.4	46.5	2.9	0.9	32.0	16.1	5.9	18.8
1995	14.6	17.6	43.7	45.5	3.1	1.1	33.5	16.7	5.1	19.1
1996	14.0	17.0	45.7	47.0	3.1	16	31.1	16.8	6	16.2
1997	14.3	17.3	43.9	44.3	2.9	1.0	33.4	19.5	5.5	17.8

Source : Department of Census and Statistics

Table 21.
Employed persons by Major Occupational Groups, by Sex

Year	Major Occupational Group																			
	Senior Officials and Managers		Professionals		Technicians and Associate Professionals		Clerks		Sales & Service workers		Skilled Agricultural and Fishery workers		Craft & Related workers		Paint & Machine operators and Assemblers		Elementary occupations		Unidentified	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
1993	1.7	0.9	3.9	10.7	4.0	3.2	3.3	5.7	12.1	6.2	30.4	31.1	13.0	17.5	5.9	2.4	21.6	21.4	4.3	1.0
1994	1.5	1.0	3.4	9.6	3.5	2.7	3.9	6.2	14.1	7.8	25.3	25.0	14.3	18.7	6.1	1.8	23.0	26.5	4.8	0.8
1995	1.8	0.8	3.1	11.0	3.6	2.8	4.4	5.8	13.8	8.9	25.6	22.5	14.1	19.2	5.4	1.9	25.9	26.5	2.3	0.6
1996	1.5	0.6	3.6	10.0	4.3	3.0	3.8	6.8	13.3	8.0	23.2	23.7	15.7	17.9	6.6	1.7	25.4	27.2	2.7	.87
1997	2.0	0.9	3.6	10.0	4.4	3.6	3.7	6.3	13.7	7.9	22.7	21.7	13.9	17.5	7.6	2.6	25.0	28.5	3.3	.09

Source : Department of Census and Statistics

104. The reduction of the public sector and the pace of privatisation of establishments under the structural adjustment programme have led to retrenchment. However, in the absence of gender desegregated data, it has not been possible to examine the impact of these policies, on women. There is a large influx of women from low income groups entering industrial concerns locally, and migrating to West Asian countries in search of employment.

(b) Unemployment

105. During the period 1992 to 1998, the female unemployment rate dropped more rapidly than the male unemployment rate. However, it still continues to be double that of males.

Table 22.
Percentage distribution of Unemployed Population by sex (1992 –1998)

Period	Unemployed Population		
	Total	Male %	Female %
1992	100.0	49.9	50.1
1993	100.0	46.7	53.3
1994	100.0	49.4	50.6
1995	100.0	49.1	50.9
1996	100.0	48.8	51.2
1997	100.0	48.9	51.1
1998	100.0	44.8	55.0

Source : Department of Census and Statistics

Table 23.
Unemployment Rates by Sex

Year	Total	Male	Female
1990	14.0	9.1	23.4
1994	13.3	11.4	17.9
1996	11.1	8.8	16.2
1997	10.3	7.7	15.5
1998	8.6	6.8	11.8

Source : Department of Census and Statistics

106. A very high percentage of the unemployed persons are in the age group of 15 – 19 and 20 –24. This has remained so in the years 1997 and 1998 as well, which recorded a high percentage of almost 85% of the unemployed persons being in this age group.

Table 24.
Unemployment Rates by Age and Sex

Age group	1990		1994		1996	
	M	F	M	F	M	F
10 – 14	6.3	16.6	24.6	16.9	NA	NA
15 - 19	23.4	38.8	45.4	44.0	35.4	44.3
20 – 24	22.5	50.5	32.2	39.4	24.6	38.5
25 – 29	10.6	28.1	15.1	24.8	11.6	20.7
30 – 34	8.8	19.8	7.0	13.2	2.2	9.1
35 – 39	2.3	10.1	3.8	7.4		
40 – 44	3.9	4.5	2.6	2.8	2.2	1.4
45 – 49	0.4	3.2	2.0	1.2		
50 – 54	1.3	10.5	1.2	1.3	0.9	1.4
55 – 59	0.1	1.1	1.3	0.4		
60 – 64	4.5	-	0.6	0.4	NA	0.3
65 & over	-	-	0.6	0.9		
All ages	9.1	23.5	11.4	17.9	8.8	16.2

Source : Department of Census and Statistics

Table 25.
Percentage distribution of unemployed persons by age and sex (4th quarter 1998)

Sex	Age					
	Total	15-19	20-29	30-39	40-49	50+
Total	100.0	23.0	54.5	16.0	5.6	0.9
Male	100.0	35.8	47.5	9.3	5.4	1.9
Female	100.0	14.1	59.4	20.6	5.6	0.2

Source : Department of Census and Statistics

107. The unemployment rate has varied widely with the level of education. It shows an increase with the level of education and is higher for females than for males among the educated groups. In the 4th quarter of 1998, 35.7% of the unemployed females had obtained G.C.E (A L) qualification or above while the corresponding figure for males was only 15.2%.

Table 26.
Unemployment rates by level of educational attainment and sex

Level of educational attainment	1994		1995		1998 (4th quarter)	
	Male	Female	Male	Female	Male	Female
No schooling	1.4	0.7	0.2	2.7	1.7	2.3
School years 1-5	14.9	9.0	2.9	2.6	1.8	3.6
School years 6 - 10	52.2	39.1	58.1	35.5	5.9	11.1
GCE (Ordinary Level)	22.5	28.1	29.8	29.6	8.6	23.6
GCE (Advanced Level) and above	9.0	23.1	9.0	29.6	9.0	30.2
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source : Department of Census and Statistics

International Conventions

108. Since 1992, Sri Lanka has ratified six ILO Conventions -

I. **ILO Convention No. 100** - Equal Remuneration Convention, 1951 (In 1993)
II. **ILO Convention No. 103** - Maternity Protection Convention (Revised) 1952 (In 1993)
III. **ILO Convention No. 160** - Labour Statistics Convention, 1985 (In 1993)
IV. **ILO Convention No. 144** - Tripartite Consultation (International Labour Standards Convention), 1976 (In 1994)
V. **ILO Convention No. 110** - Condition of Employment of Plantation Workers, 1958 (In 1995)
VI. **ILO Convention No. 108** - Seafarers Identity Documents Convention, 1958 (In 1995).

109. Sri Lanka has acceded to the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, (adopted by the UNGA on 18.12.1990) on March 11th, 1996. However, this Convention is , as yet not in force.

110. Sri Lanka's labour legislation in general conforms to international practice. Equal remuneration for men and women is enforced in the public sector except in the case of two Wages Boards where there have been procedural delays. Regulations made under the Young Persons, Children and Women's Employment Act make provision for child care facilities in workplaces. However, this section of the Ordinance is not in operation.

111. There is no gender discrimination in eligibility for Pensions and Provident Funds.

Informal sector

112. Labour laws are not applicable in respect of the informal sector in which large numbers of women are employed as piece rate workers, agricultural workers and unpaid family labour. However, contributory pension schemes have been introduced recently for farming and fishing communities and for the self employed. These laws are also not enforced strictly in the Export Processing Zones and in small industries.

Industrial sector

113. Around 70% of workers in factories within and outside the export processing zones are women. As in such factories in many countries, they are concentrated in semi-skilled and unskilled jobs, work long hours and are vulnerable to occupational health hazards and lack job security. They are also subject to sexual abuse.

114. In an effort to assist young women employed in these work places cope with the several challenges of their working environment, the Women's Bureau has established counseling centres in a few places within the Free Trade Zone areas. An effort is being made to network with other state efforts as well as NGO institutions in order to provide a better service through these centres.

Migrant workers

115. The bulk of the foreign demand for Sri Lankan labour has been for unskilled workers, particularly housemaids, who account for 86% of the total female workers abroad. The Middle East countries accounted for the largest share (about 89% of the total departures), despite that salaries and wages have stagnated over a long period of time[32]. In 1998, 60% (105,247 out of a total of 1,58,286) of Sri Lankans who left for employment abroad were women. Women migrant domestic workers continue to be a vulnerable sector and the need for more welfare and protective measures has been strongly felt by the Government. The gulf war displaced large numbers of women who returned to the country. Programmes were launched to assist them in self employment, but low economic returns motivated large numbers to seek employment again in West Asian countries, after the war.

116. Efforts have been made in recent years to protect women migrant workers from unscrupulous agents and to ensure better terms of employment. They are however, still vulnerable to sexual abuse and violence, to harsh working conditions overseas, and family dislocation at home.

117. In an endeavor to provide more effective protective welfare measures, the scope and activities of the Sri Lanka Bureau of Foreign Employment (SLBFE) has been expanded. Two Task Forces appointed by Her Excellency the President submitted many recommendations which are currently being implemented.

118. The quality and depth of training for housemaids has been enhanced. There are now approximately 50 Training centres (State and private) which trained a total of 106,870 prospective housemaids in 1997 and 1998. It is expected to increase the number of Training Centres to 93 by the end of 1999. Efforts have also been made to create an awareness among prospective migrant workers of the laws and guidelines applicable to foreign employment and the services available to them. The need for more programmes at grass root level has been identified. A Skills Development and National Certification Programme has also been introduced with several training agencies, to enhance skills relevant to foreign employment.

119. The statutory requirement under the Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985 that all persons proceeding for foreign employment be registered with the SLBFE is sought to be enforced more strictly consequent to which the number of registrations has increased from 60,167 in 1994 to 158,286 in 1998. All migrant workers who thus register with the SLBFE are accorded a free insurance policy covering compensation for death and disability, cost of air fare for repatriation of employee, payment of medical fees and funeral expenses of family members and compensation to children of migrants on the death of a parent.

120. A standard employment contract for women migrant workers has been introduced. Thus, sponsors/agents are required to register with the relevant Sri Lankan diplomatic mission abroad prior to recruiting housemaids. The new procedure for recruitment

[32] Central Bank of Sri Lanka Annual Report, 1997 (page 104)

requires the prospective foreign sponsor (Employer) or his Agent to register with the relevant Sri Lankan Diplomatic Mission. The Mission thereupon verifies the credibility of the prospective sponsor/Agent. Upon identification of the Sri Lankan employee, the sponsor/agent is required to sign a contractual agreement setting out details of employment. Signatories to the agreement are the sponsor/agent, the mission representative, the SLBFE and the Sri Lankan employee. These new requirements ensure that the housemaid is made aware of all details regarding the employment prior to departure and that the employer is bound to the contractual terms of employment. Earlier, even basic information such as the name and address of the employer was not known to the housemaid until they reached their destination. The scheme was introduced in November, 1997 and is operative in Kuwait, Kingdom of Saudi Arabia (K.S.A), Oman, Qatar, U.A.E., Lebanon, Bahrain, Jordan, Cyprus and Singapore. These are measures that will reduce the vulnerability of the workers in their workplaces.

121. All recruitment agencies are required to be licensed with the SLBFE to ensure the observance of minimum requirements, and currently there are 517 such agencies. Checking of errant migration is sought to be done through closer monitoring of recruitment agencies. All airlines have also been requested assist by insisting on registration with the SLBFE prior to the issue of airline tickets to migrant workers. The Bureau has also intensified its surveillance through counters at the airport so that migrant workers will have the required registration with the Bureau.

122. There are schemes to grant scholarships to children of migrants and provide education to children of migrants who are in difficult areas who are believed to have a higher tendency to drop out from school. Low interest bank loans have also been introduced by state banks with a percentage of the interest being paid by the SLBFE[33]. Transit homes have been established in Kuwait, Lebanon and K.S.A. (Riyadh) to house runaway housemaids who were earlier housed in the embassy under difficult conditions. In 1998 additional officers were appointed to assist Sri Lankan employees in the Middle Eastern countries and in Singapore. Social support networks to provide services, which have been identified as being needed by the family of the migrant, have been introduced through three pilot projects. Counseling centres have also been established in some schools.

123. As stated earlier, Sri Lanka acceded to the UN Convention on the Protection of Rights of all Migrant Workers and their Families (1990) on March 11, 1996 and looks forward to the Convention being brought into operation upon receiving the requisite number of ratifications/accessions. Sri Lanka remains, as at now, as one of just thirteen countries that have ratified or acceded to the Convention.

[33] ***Siyatha*** and ***Videshika*** by the People's Bank ;and ***Rasaviya I*** and ***Ransaviya II*** by the Bank of Ceylon.

Table 27.

Migrant labour force by category of labour and sex.

Year	Professional		Middle level		Clerical & related		Skilled		Unskilled		House Maids	Total
	M	F	M	F	M	F	M	F	M	F		
1992	198	5	663	69	879	289	5138	3221	4910	1460	16191	33023
1993	465	14	953	77	1607	206	7711	4652	6416	2411	24238	48750
1994	244	18	787	46	1408	151	7133	5453	6805	2019	36104	60168
1995	843	44	2053	423	4078	516	19424	7382	19565	3931	114208	172467
1996	566	46	1639	305	2882	484	17864	6452	18339	3371	110563	162511
1997	533	39	1379	250	3000	569	15800	8538	16718	3711	99326	149863
1998	638	40	2543	380	3966	832	21806	9615	24086	9636	84744	158286
Upto 30.6.99	314	23	969	173	1712	274	7876	5978	11004	5259	31725	65307
Total	3801	229	10986	1723	19532	3321	102752	51291	107843	31798	517099	850375
% of women *	5.6 %		13.5 %		14.5 %		33.3 %		22.77 %		60% of total of all categories	

* % of women of the total in each category.

Source : Sri Lanka Foreign Employment Bureau.

Domestic workers

124. There are no regulations governing any aspect of employment of persons employed in homes as domestic helps. The Domestic Servants Ordinance of 1871 provides only for the registration of 'Domestic servants.'

Maternity benefits for working women

125. There is no change in the legislative provisions relating to maternity benefits of employed women, other than that in 1992, legislation was enacted to grant to the public sector employees, the extended maternity benefits enjoyed by the private sector employees. Government regulations were amended in 1997 making provision for the grant of maternity leave to female State employees irrespective of marital status, cause of pregnancy and period of service. The amended regulations also consider birth of twins as one confinement.

126. The facilities available for care of young children of working mothers is inadequate. Such children are often left to the care of paid help or members of the extended family such as grandmothers and close relatives. In a society which still retains its concept of the extended family, the problem of caring for young children has still not become acute. However, with increasing numbers of women leaving the home for employment, the numbers that will be available even among the extended family to offer assistance will be inadequate to cope with the needs. As a result combining parental obligations with work responsibilities will indeed be a challenge.

127. Perceptions of 'gender appropriate' tasks continue to reinforce the inequitable gender division of labour in employment and in the household. Ongoing gender sensitisation programmes by the State and by women's organisations hope to counter such perceptions.

Article 12

HEALTH CARE

128. It will be observed that the provisions of the Women's Charter assures to women equal rights in the field of health care as embodied in the UN Convention. There are also State obligations to ensure access and availability to promote physical and mental health services including those for elderly and physically handicapped women.

129. In terms of government policy, programmes have been promulgated for the grant of income support services, disaster relief and welfare support services for the destitute, the poor, the disadvantaged and those affected by the war. The Right of Persons with Disabilities Act, No. 28 of 1996 which has been enacted in terms of the UN standard Rules on the equalisation of opportunities for persons with disabilities provides for the establishment of a National Council for the implementation of policies in this regard. Government policy provides for the reservation of 3% of vacancies in certain employment for disabled persons. Although these are not gender-based programmes, they do benefit women.

130. A national policy and an action plan was drawn up in 1992. A National Committee has been appointed to monitor the progress of the implementation of the Plan of Action including specifically provision of community based care for the elders.

131. Other services relate to pregnancy and lactation, needs of women in custody and reproductive health including family planning. There is also a commitment to foster family education and proper parenting.

Female mortality

132. The 18 million population of Sri Lanka that has increased five-fold during this century has an equal ratio of men and women. Mortality trends have recorded remarkable declines in favour of women. It is expected that there will accordingly be a future reverse in the sex ratio. It is most likely that women will outnumber men in the next millenium. The favourable mortality decline is an outcome of Sri Lanka's system of state sponsored free health care which has existed for several decades. It includes both curative and preventive care based on the principle of primary health care.

Nutrition

133. The nutrition of pregnant mothers, infants and pre-school children is an area in which the state has undertaken many programmes since the 1970's. There is, however, a persistent problem of under nutrition due to reasons which range from lack of education, traditional and cultural beliefs / practices to poverty. Nutrition education programmes are regularly conducted through clinics, hospitals and at community level by health workers.

134. Anemia, complicating pregnancy, is another common problem. It is partly connected with cultural factors which militate against meat consumption, and intra food patterns. Poverty is also a key factor. Free iron and vitamin supplementation is provided through clinics to expectant mothers as well as after child birth to the severely anemic

mothers.

135. The Demographic and Health Survey of 1993, provided data on the following three standard indices that describe the nutritional status of children in the age group of 3 to 59 months -

i. 23.8% of children suffer from chronic malnutrition;
ii. 15.5% are acutely under nourished;
iii. 37.7% are underweight.

136. In terms of gender differential:

	Males	Females
Children undernourished -		
In terms of weight for age:	22.7%	25.1%
In terms of weight for height:	15.6%	15.4%
Children malnourished -		
In terms of weight for age	34.8%	40.9%

137. Due to the strong emphasis on the health of infants and pre-school children and also programmes such a universal child immunization and oral rehydration therapy, there have been continuous declines in infant and child mortality.

Family planning

138. Family planning acceptor rates have been steadily climbing. It is accepted as an indication of fem. literacy. Unmet needs in contraception include the need for greater male participation. Male acceptance of family planning particularly vasectomy is far outstripped by female sterilization. A husband's authorisation, though not required by law, is required as a practice to be obtained prior to sterilization of a wife. State law or policy does not regulate the use of family planning measures. Maternal and child health clinics provide contraceptive devices to married couples. These services are available to unmarried persons through the private sector.

139. Sterilization and family planning is done at government health institutions, free of charge to both men and women. Family planning services are also available through NGO outlets and the private sector.

Table 28.
Some Indicators of Reproductive Health

Percentage of currently married women aged 15-49 years knowing any method, any modern method and any traditional method of contraception, by current age of women : 1993

Current age of women	Percentage with knowledge of		
	Any method	Any modern method	Any traditional method
15-19	96.3	96.3	47.1
20-24	98.9	98.9	66.2
25-29	99.7	99.7	69.4
30-34	99.1	99.1	76.3
35-39	99.7	99.7	76.9
40-44	99.8	99.8	75.6
45-49	98.5	98.4	70.7

Table 29.
Age specific fertility rates and total fertility rate : 1963 to 1988 – 1993

Age group	1963 vital statistics	1974 WFS 1975	1981 CPS 1982	1982 – 1987 DHS 1987	1988 – 1993 DHS 1993
15 – 19	0.052	0.031	0.034	0.038	0.035
20 – 24	0.228	0.146	0.172	0.147	0.110
25 – 29	0.278	0.161	0.222	0.161	0.134
30 – 34	0.240	0.158	0.177	0.122	0.104
35 – 39	0.157	0.126	0.099	0.071	0.054
40 – 44	0.046	0.043	0.037	0.023	0.014
45 – 49	0.007	0.006	-	0.003	0.004
TFR	**5.0**	**3.4**	**3.7**	**2.8**	**2.3**

WFS = World Fertility Survey
CPS = Contraceptive Prevalence Survey
DHS = Demographic and Health Survey

140. Abortion is not legal in Sri Lanka. In terms of the Penal Code, termination of pregnancy is a punishable offence unless caused in good faith for the purpose of saving the life of the mother. Attempts to expand this provision to include other situations where termination of pregnancies should be permitted, did not succeed as mentioned earlier in this Report. There is anecdotal and police evidence that incidents of rape is increasing. Incest too, is a growing concern associated largely with girls in families where the mothers are employed overseas. Since abortions are illegal, the only data available is anecdotal. Accordingly, there is evidence of widespread illegal abortions being conducted particularly in urban areas. There is no evidence to suggest what percentage of these illegal abortions relates to rape or incest pregnancies. Abortion, therefore, is an unresolved health issue in terms of the woman and her right to determine her fertility. It has implications where her reproductive health is concerned. There have been and continue to be reports of septic abortions and even deaths.

Primary Health Care

141. The primary health care system includes special services for women when they are most vulnerable, i.e. during the ante- natal and post-natal periods as well as during childbirth. This has contributed to a decline in mortality and morbidity, an unusual feature in most developing countries. More than 50% of the female population is in the re productive age group of 15 - 49 years. Hence, the level of maternal health could be regarded as a useful indicator of women's health in general. The maternal mortality rate records a drop of approximately 70% for women of all age groups except in the estate sector since the 1970's. However, higher than average mortality rates are revealed in the estates as well as the conflict affected areas in the North and East. It is believed that there could be under-recording of maternal deaths from these areas due to the conflict, particularly from areas outside of Government control. Maternal mortality rate was estimated to be 28 per 100,000 live births in 1995. The Ministry of Health continually conducts maternal death reviews.

Access to health services

142. There is no discrimination, whatsoever, meted out to women either during girlhood or in adult life. However, accessing health services is a problem affecting women in refugee camps in conflict affected areas. This is particularly in uncleared areas. These areas have the added problems of deficiency of health care personnel. Displacement due to the conflict is another factor which prevents proper ante natal care and safe child birth.

143. Care provided during pregnancy is free of charge to those who desire it, both in rural as well as urban areas. Sri Lanka has a well-developed maternal and child health care system, which extends to the rural areas. This includes care at home by Public Health Midwives. They undertake home deliveries as well as provide antenatal and family planning care at domiciliary level. It is supplemented by over 2,000 antenatal clinics which are a part of maternal and child health clinics. Over 90% of births are in institutions with trained care. This is an important factor, which contributes to the decline of maternal mortality. There are fewer and fewer deliveries by Traditional Birth Attendants although a few exist in very remote areas, in conflict affected areas and in the Eastern Province among the Muslim community.

Female genital mutilation

144. Sri Lanka does not record any incidents of female genital mutilation or circumcision, but is said to take place in a moderate form among certain segments of the Muslim community.

HIV/AIDS

145. By the end of 1995, 63 of a total of 195 reported cases of HIV patients were females. 17 out of a total of 75 AIDS cases were females. Sri Lanka, although considered a low prevalence country for HIV/AIDS, has embarked on a major national programme to combat HIV/AIDS.

146. There are ongoing programmes by NGO's targeted on women and girls. These include female sex workers and the large number of about 100,000 girls (18 - 24 years) who work in the Free Trade Zone. The need to expand upon these programmes has been identified.

147. The National Plan of Action for Women (above referred to) has incorporated the main health issues that need to be addressed.

Article 13

ECONOMIC AND SOCIAL LIFE

(a) Family benefits

148. Sri Lanka does not have a regular system of family benefits such as allowances for family, for children or a housing allowance. Households are often the targets of social and economic programmes irrespective of whether resources are equitably distributed between men and women within a family. Recent Poverty Alleviation Programmes have identified both spouses as joint recipients of assistance. As individuals however, women and men

have equal rights to bank loans, mortgages, insurance schemes and other forms of credit from State and private financial institutions and from donor assisted or local credit delivery programmes.

149. Male *'heads of household'* tend to benefit from resource allocation and asset distribution among families in the case of land and financial assistance.

(b) Financial credit

150. Credit programmes have proliferated in recent years including special programmes for low-income families, and NGO programmes specifically for women. Although gender desegregated data is not available, it is reliably understood that approximately half the recipients from poverty groups have been women, while relatively few women are reported to seek large loans from development or commercial banks. An interesting development has been the organization by rural and urban women's groups of banks located in their own communities. Examples are the Janashakthi Banks in a rural district in the deep south of Sri Lanka and similar ventures in low income urban neighborhoods.

(c) Recreational and cultural activities

151. The participation of women in cultural and recreational activities is determined by the availability of leisure time after the completion of their economic and domestic tasks. In a sense, women are victims of custom and tradition which has long accepted that the male needs of leisure and recreation surpass those of women.

Article 14

RURAL WOMEN

152. In Sri Lanka 78% of the population live in the rural sector. The Constitution, the legal systems, labour laws and macro policies apply in principle equally to women in the urban and rural sector. Legislation that specifically discriminates against rural women is the Land Development Ordinance (1934), in which the Schedule on inheritance is based on the principle of primogeniture which is alien to the legal system of Sri Lanka and which denies women in new settlements the right to family land if they had no land in locations of origin. The restriction of the scope of labour legislation to the formal sector deprives the majority of rural women of equal rights and protection in employment.

153. Macro economic policies such as free education, free health services, food subsidies and access to basic services such as housing, water and sanitation have had universal application and both women and men have been beneficiaries. The Women's Charter, in fact, does not include a separate section on rural women as it was felt that there were no major legal barriers to the rights of rural women. Nevertheless, macro economic policies fail to take into account women's role as major economic producers. In new settlements, land is allocated to the male 'head of household.' Women have equal access to credit but tend to receive lower priority in access to new technologies in agriculture and industry. There have been few policies to assist rural women who have been displaced by the adverse impact of the open economy in rural industries since the late 1970s. State poverty alleviation programmes have been concentrated, however, in the rural sector and men and women have been identified as equal potential beneficiaries

of these programmes.

154. Despite the principle of universal application of laws and policies, urban and rural disparities in the availability of facilities and services exist in all sectors. However, the utilization by the rural population of opportunities has been significant and has, for instance, reduced sharply, urban - rural disparities and gender disparities in the rural sector in social indicators.

155. In education, there is an inequitable distribution of education facilities, particularly well-equipped senior secondary school facilities. Nevertheless, gender disparities are minimal in school enrolment and in literacy levels. In fact, rural girls have a slightly higher percentage of the total enrolment in senior secondary classes than even urban girls. Rural female literacy rates in the 10 -19 age group, are slightly higher than urban and rural male literacy rates and urban female literacy rates in this age group, pointing therefore to equal access to and utilization of educational opportunities by rural and urban girls and boys, although there appears to be a qualitative difference in the facilities provided. In the universities, too, more than half the student population (women and men) is from the rural sector. The rural Muslim and plantation labour families are a special group disadvantage by historical circumstances.

156. The extension of free health services island wide and the provisions of primary health care facilities and the services of family health workers throughout the country have facilitated the access of rural women to basic services including maternal and child care and family planning services.

157. The reduction in social sector expenditure has resulted in the deterioration in the quality of services in the peripheral health units but, rural women have been relatively equal beneficiaries of reproductive health facilities as reflected for instance, in statistics of institutional births and knowledge and use of contraceptives. Immunization campaigns have had over 90% coverage and rural women are as motivated in seeking these services as urban women. However, gender desegregated, urban-rural differentiated data are not available for most national level and sectoral demographic data at present. As in education, the estate sector or the plantation enclaves have been disadvantaged in access to services since the era of the colonial administration. Services have been extended to this sector in the last two decades under national and donor funded programmes, and health indicators are improving in maternal and infant mortality.

158. Budgetary allocations are not made specifically for programmes for rural women. On the other hand, gender blind macro economic policies and programmes have a differential impact on women and men. In the Mahaweli Development Programme which translocated nearly 100,000 rural families in new Dry Zone settlement areas, and in integrated rural development programmes, women have been perceived as farmers' wives rather than as farmers or economic producers and have been disadvantaged consequently in receiving economic inputs. Agricultural extension programmes are directed largely to men as 'purveyors of information.' The gender division of labour in agriculture has changed only in new settlement areas where women and men are engaged in pioneering tasks, and women are still involved by and large in transplanting, weeding, and harvesting and processing. Vocational training programmes are confined chiefly to traditional

'feminine' rural occupations and there has been little diversification of skills despite the collapse of rural industries in the open market.

159. A positive development in recent years has been the successful mobilization of women in group activities by State and NGOs. Most of these groups are credit-cum-savings groups engaged in self-employment. Nevertheless, the lack of adequate access of rural women to technologies, new vocational and management skills, and market information, has prevented optional utilization of credit for development of entrepreneurship and for a significant increase in rural incomes.

160. In an effort to improve the socio-economic status of rural women, the Women's Bureau has engaged in the establishment of women's societies which focus on their mobilisation around issues of common interests. There are 3,200 such organisations known as "*Kantha Karya Samvidanaya*" (KKS's) established at village level each operating within a Divisional Secretariat area. These societies are established in terms of a Constitution drawn up by the Bureau and are registered with the Bureau. At a higher level are *Pradeshiya Bala Mandalaya's* (PBM) which are established for a wider territorial area and are vested with the function of strengthening the several KKS's within their area. Capacity building of these societies is done through programmes which focus on health and nutrition issues, reproductive health issues, women's rights and gender empowerment issues. They have been motivated to involve themselves in income generating activities and to improve their socio-economic status thereby. They receive training in financial recording. Through these societies many women community leaders have emerged.

161. Economic Empowerment Programmes have been conducted by the WB as a major poverty alleviation measure focused on rural women. These include the identification of women potential entrepreneurs ; their development and training; skills development; provision of credit facilities through the State sponsored Revolving Fund Scheme and through State Banks and Promotion of sustainable micro enterprise development.

162. The Bureau has granted credit facilities to women to commence micro enterprises through Revolving Funds of women's societies. Credit facilities are so given at a very low interest rate.

Table 30.
Unemployment Rates by Sector and Sex

Sex & Sector	1994	1996	4th Quarter 1997
Urban – Total	15.3	10.1	11.9
Male	11.6	7.4	8.0
Female	24.3	16.4	22.0
Rural* -Total	13.3	11.3	10.2
Male	9.5	9.0	07.3
Female	20.2	16.1	16.0

Source : Department of Census and Statistics

* includes Estate sector

163. In the above Table rural female unemployment rates are lower than urban female unemployment rates because the estate sector in which unemployment rates are relatively low is subsumed in the rural sector. In actual fact, the female unemployment rates in the non-estate rural sector is almost as high as the urban female unemployment rate, as the employment opportunities available in the rural sector are inadequate to meet the needs and demands of rural women. The underestimation of the economic participation of rural (and urban) women prevents a realist computation of their contribution to the GNP.

164. Rural women are never backward in participation in income earning activities but they tend to lack awareness of their rights. NGOs have been engaged actively in recent years in gender sensitization and legal literacy programmes and the emergence of activist women's groups in the rural sector has been an outcome of greater gender consciousness. A significant proportion of the women, for instance, who participated in the UN Beijing World Conference on Women in September 1994 were from rural women's groups. Women's participation in community activities is apt to be limited, however, by time constraints imposed by their multiple tasks in the home and in the economy. Widowed and childless women tend to be more intensively involved in economic activities although their visibility is less in major social events.

165. Unlike in the social sector, rural women are disadvantaged in the economy by the impact of gender-based differentiation of macro policies and national, sectoral and local level programmes. Gender insensitivity in economic development plans and programmes surface from the gender role assumptions of policy makers, administrators and developmental personnel.

166. The resource constraints of a low income country have been exacerbated by unequitable resource allocation, resulting in a relatively depressed rural economy. Both rural and urban women in low income families have been vulnerable to the impact of structural adjustment progammes such as the reduction of producer and consumer subsidies and social sector expenditure, and the strong reliance on market forces for economic development.

Article 15

LEGAL CAPACITY

167. There is no change in the statutory provisions governing legal capacity in civil matters, residence and domicile.

Article 16

MARRIAGE AND FAMILY RELATIONS

168. There is no change in the statutory provisions governing marriage and family relations other than with regard to the age of marriage as referred to earlier (under Violence against women). The amendment referred to which was introduced in 1995, raised the age of marriage to 18 years for both boys and girls, other than in the case of Muslims. The Muslim law governing the age of marriage remains unchanged.

169. Registration of Births is compulsory in terms of the Births and Deaths Registration Ordinance.

170. Reference was made in Sri Lanka's second Report to non-Muslims converting to Islam for the purpose of contracting a second polygamous marriage without the dissolution of the first marriage. Such a situation was tested in the Sri Lankan courts, where a non-Muslim who had failed to obtain a dissolution of the first marriage under the General Law under which it was contracted, converted to Islam and contracted a second and polygamous marriage. He was charged for bigamy under the Penal Code. The Supreme Court of Sri Lanka, in appeal, confirmed a conviction of bigamy. The Supreme Court in so deciding overruled a Privy Council decision of over 30 years and clearly stated that there can be no unilateral conversion to Islam and thereby an avoidance of the obligations arising under the General law under which the first marriage was contracted.

171. Yet another development in the field of matrimonial matters is the recognition of the right of a wife (who is judicially separated from her husband) to make a complaint of rape against her husband. The amending law which introduced this provision was referred to earlier under Violence Against Women. The fact that the offence of marital rape was thus introduced even in the limited situation of judicially separated spouses, is seen as a major achievement in a society which still believes that a woman has, by marriage, '*given herself up unto her husband and cannot now retract from that position*'. The amending law was passed without dissent.

CONCLUSION

172. It can be asserted with confidence that there is a firm commitment on the part of the policy makers supported by vibrant non-governmental women's organisations to work towards the upliftment of women. Enlightened social policies have resulted in creating an awareness regarding gender issues as well a realisation of the need to focus seriously on gender empowerment issues.